REGULATORY TRAIL MIX

NESHAP, MACT, and NSPS

40 CFR PART 63, SUBPART CCCCCC—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) FOR SOURCE CATEGORY: GASOLINE DISPENSING FACILITIES (GDF)

40 CFR PART 63, SUBPART CCCCCC—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) FOR SOURCE CATEGORY: GASOLINE DISPENSING FACILITIES (GDF)

Examples of sources that may be subject to the rule include:

- Convenience Stores
- Wholesale Clubs
- Landfills
- Construction Companies
- Hospitals
- Landscaping Companies
- Municipal, State or Federal Government
- Correctional Facilities
- Any Company Maintaining a Fleet of Vehicles

40 CFR PART 63, SUBPART CCCCCC—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) FOR SOURCE CATEGORY: GASOLINE DISPENSING FACILITIES (GDF)

Applicable to area sources of hazardous air pollutants (HAP) **only**

Exceptions include:

- The loading of aviation gasoline into storage tanks at airports, and the subsequent transfer of aviation gasoline within airport property
- The dispensing of gasoline from a fixed gasoline storage tank at a GDF into a portable gasoline tank for on-site delivery and subsequent dispensing is subject to 40 CFR §63.11116 only

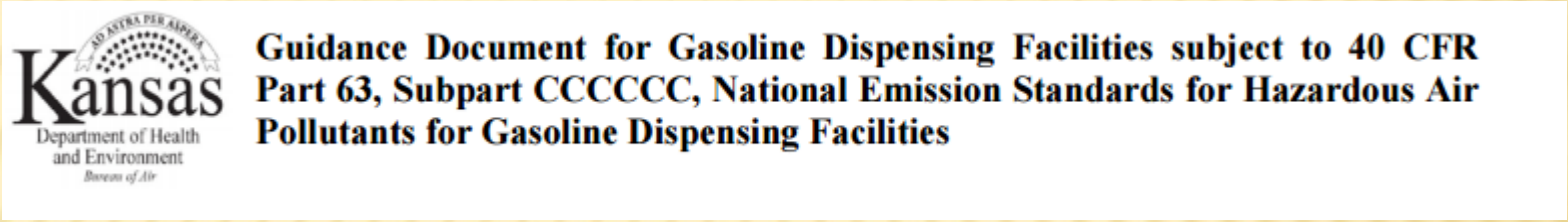
40 CFR PART 63, SUBPART CCCCCC—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) FOR SOURCE CATEGORY: GASOLINE DISPENSING FACILITIES (GDF)

Monthly throughput is the total volume of gasoline loaded into, or dispensed from, all the gasoline storage tanks located at a single affected GDF.

Three (3) affected source categories, based upon monthly gasoline throughput

1. throughput of less than 10,000 gallons of gasoline
2. throughput of 10,000 to 100,000 gallons of gasoline
3. throughput of 100,000 gallons of gasoline or more

40 CFR PART 63, SUBPART CCCCCC—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) FOR SOURCE CATEGORY: GASOLINE DISPENSING FACILITIES (GDF)



http://www.kdheks.gov/air permit/forms/NESHAP_6C_guidance.pdf

For additional information:

https://www3.epa.gov/ttn/atw/gasdist/gasdispg.html

To view the Federal Rule, please visit:

http://www.ecfr.gov/cgi-bin/text

40 CFR PART 63, SUBPART JJJJJ — NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) FOR BRICK AND STRUCTURAL CLAY PRODUCTS MANUFACTURING

Applicable to major sources of hazardous air pollutants (HAP)

2003 – Initial NESHAP published
2007 – Standards were challenged and vacated
2014 – EPA proposed new NESHAP
2015 – NESHAP was finalized
2015 – Kohler Company, Brick Industry Association, and the Tile Council of North America, Inc. submitted petitions for reconsideration

40 CFR PART 63, SUBPART JJJJJ — NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) FOR BRICK AND STRUCTURAL CLAY PRODUCTS MANUFACTURING

Some petition items were related to:

- New stack temperature monitoring
- Visible emissions monitoring
- Emissions averaging
- Scrubber emissions data
- Visual inspections
- Non-mercury HAP metals standards
- Dioxin/furan emissions data and standards

40 CFR PART 63, SUBPART JJJJJ — NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) FOR BRICK AND STRUCTURAL CLAY PRODUCTS MANUFACTURING

EPA denied in part and granted in part the Kohler Company petition, and denied the trade association petitions.

Published in Federal Register / Vol. 81, No. 96 / Wednesday, May 18, 2016 / Notices

40 CFR PART 63, SUBPART RRR — NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) FOR SECONDARY ALUMINUM PRODUCTION

EPA is taking direct final action to amend 40 CFR, Subpart RRR, originally published in the Federal Register on September 18, 2015.

This rule will be effective on September 12, 2016, without further notice, unless the EPA received adverse comment by July 28, 2016.

40 CFR PART 63, SUBPART RRR — NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) FOR SECONDARY ALUMINUM PRODUCTION

Changes to the rule include:

1. Clarifying rule requirements for initial performance tests and submittal of malfunction reports
2. An additional option has been provided for new round top furnaces to account for unmeasured emissions during compliance testing
3. Clarification of what constitutes a change in furnace operating mode
4. Updates website addresses for the EPA's Electronic Reporting Tool (ERT) and the Compliance and Emissions Data Reporting Interface (CEDRI)

Published in Federal Register Volume 81, Number 113 (Monday, June 13, 2016)

40 CFR PART 60, SUBPART OOOOa — STANDARDS OF PERFORMANCE FOR CRUDE OIL AND NATURAL GAS FACILITIES FOR WHICH CONSTRUCTION, MODIFICATION, OR RECONSTRUCTION COMMENCED AFTER SEPTEMBER 18, 2015

On May 12, 2016, the U.S. Environmental Protection Agency (EPA) issued a final "Source Determination Rule" and the final New Source Performance Standard (NSPS) Subpart OOOOa to reduce methane and volatile organic compounds (VOCs) from new, reconstructed and modified oil and gas sources.

40 CFR PART 60, SUBPART OOOOa — STANDARDS OF PERFORMANCE FOR CRUDE OIL AND NATURAL GAS FACILITIES FOR WHICH CONSTRUCTION, MODIFICATION, OR RECONSTRUCTION COMMENCED AFTER SEPTEMBER 18, 2015

Final Source Determination Rule

The final "Source Determination Rule" was issued to clarify when multiple pieces of oil and gas equipment and activities must be aggregated as a single site with regard to the Prevention of Significant Deterioration (PSD), Nonattainment New Source Review (NNSR), and Title V Operating permit programs (i.e., source aggregation). Source aggregation of oil and gas production/processing equipment and activities only applies to onshore sources

Final Updates to NSPS OOOOa Rule

The final NSPS OOOOa rule builds on the 2012 NSPS OOOO requirements by setting emission limits for methane and adding regulations for previously unaffected equipment. EPA also finalized the proposed changes to NSPS OOOO within this final rule.

40 CFR PART 60, SUBPART OOOOa — STANDARDS OF PERFORMANCE FOR CRUDE OIL AND NATURAL GAS FACILITIES FOR WHICH CONSTRUCTION, MODIFICATION, OR RECONSTRUCTION COMMENCED AFTER SEPTEMBER 18, 2015

For more details on the final NSPS OOOOa rule and NSPS OOOO updates, please visit EPA's Website:

https://www3.epa.gov/airquality/oilandgas/actions.html

Published in Federal Register / Vol. 81, No. 107 / Friday, June 3, 2016 / Rules and Regulations

40 CFR PART 60, SUBPART CCCC —STANDARDS OF PERFORMANCE FOR COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION (CISWI) UNITS

EPA granted reconsideration of the rule on January 21, 2015.

The EPA is finalizing proposed actions on four topics:

1. Definition of continuous emission monitoring system (CEMS) data during startup and shutdown periods
2. Particulate matter (PM) limit for waste-burning kiln subcategory
3. Fuel variability factor (FVF) for coal-burning energy recovery units (ERUs)
4. Definition of “kiln”.

Amendments to 40 CFR part 60, subpart CCCC, will be effective **December 23, 2016**.

Published in Federal Register / Vol. 81, No. 121 / Thursday, June 23, 2016 / Rules and Regulations

40 CFR PART 60, SUBPART CCCC —STANDARDS OF PERFORMANCE FOR COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION (CISWI) UNITS

On July 29, the D.C. Circuit Court of Appeals vacated the CISWI Definitions Rule because it did not define a “CISWI unit” with the plain language consistent with section 129. Essentially, the courts ruled that the section 129 definition includes any combustor of commercial or industrial solid waste and does not allow for the exemptions that EPA added within the CISWI Definitions Rule.

RICE NESHAP AND NSPS UPDATE AND REMINDER

STANDARDS OF PERFORMANCE FOR STATIONARY COMPRESSION IGNITION (CI) INTERNAL COMBUSTION ENGINES

Temporary Override of Inducements in Emergency Situations

EPA is adopting provisions of 40 CFR 1039.665 for stationary, CI engines used in qualified emergency situations.

Allows engine manufacturers to include a dormant feature in the engine's control software which would override emission control.

STANDARDS OF PERFORMANCE FOR STATIONARY COMPRESSION IGNITION (CI) INTERNAL COMBUSTION ENGINES

Temporary Override of Inducements in Emergency Situations

The final rule will become effective on September 6, 2016.

Published in Federal Register / Vol. 81, No. 130 /
Thursday, July 7, 2016 / Rules and Regulations

EMERGENCY ENGINE ELECTRONIC REPORTS WERE DUE MARCH 31, 2016

EPA Headquarters posted a reminder about electronic reports due to EPA for emergency engines that operate in emergency demand response programs under RICE NESHAP and NSPS rules.

During an inspection, please be prepared to verify that reports have been submitted to EPA, state, and or local authorities.

Owners of emergency engines > 100 HP, operated or contractually obligated to be available >15 hours/year for emergency demand response or voltage or frequency deviations, or operated for local reliability (as specified in 63.6640(f), 60.4211(f), and 60.4243(d)), must submit an annual report electronically through the Compliance and Emissions Data Reporting Interface (CEDRI) accessed through EPA's Central Data Exchange at http://www.epa.gov/cdx. The annual report must cover 2015 operations and include the information specified in 63.6550(h), 60.4214(d), or 60.4245(e).

For more information, visit: http://www3.epa.gov/ttn/atw/icengines/

SUMMARY OF REQUIREMENTS THAT WERE VACATED BY U.S. COURT OF APPEALS FOR THE D.C. CIRCUIT ON MAY 1, 2016

- 40 CFR 63.6640(f)(2)(ii) – "Emergency…RICE may be operated for (EDR) for periods in which the Reliability Coordinator…has declared an Energy Emergency Alert Level 2…"
- 40 CFR 63.6640(f)(2)(iii) – "Emergency…RICE may be operated for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency"
- Similar NSPS regulations were also vacated (40 CFR 60.4211(f)(2)(ii)-(iii) and 40 CFR 60.4243(d)(2)(ii)-(iii))

  Court decision could impact engines subject to NSPS IIII that were certified as emergency engines and now may no longer qualify as emergency engines

SUMMARY OF CURRENT REQUIREMENTS/ALLOWANCES FOR EMERGENCY ENGINES

- Unlimited hours of operation during an emergency situation
- 100 hours for allowable non-emergency operation
  - Maintenance checks
  - Readiness testing
  - 50 hours of this 100 hour allowance can be used for non-emergency operation provided a financial arrangement does not exist
  - Emergency engines can operate for EDR purposes
  - Emergency engines can operate during situations in which there is a change in the voltage or frequency of more than 5%

SUMMARY OF REQUIREMENTS/ALLOWANCES FOR EMERGENCY ENGINES AFTER MAY 1, 2016

- Emergency engines can operate for EDR purposes until May 1, 2016 at which point any engine that operates for EDR purposes will be designated as a non-emergency engine
- Emergency engines can operate during situations in which there is a change in the voltage or frequency of more than 5% until May 1, 2016 at which point any engine that operates for these purposes will be considered non-emergency
  - EPA has left open the possibility of a rulemaking to allow these engines to continue to qualify as emergency engines
- Emergency engines can still operate up to 100 hours for allowable non-emergency purposes such as maintenance checks and readiness testing and still qualify as emergency

BOILER MACT RULE UPDATE AND REMINDER

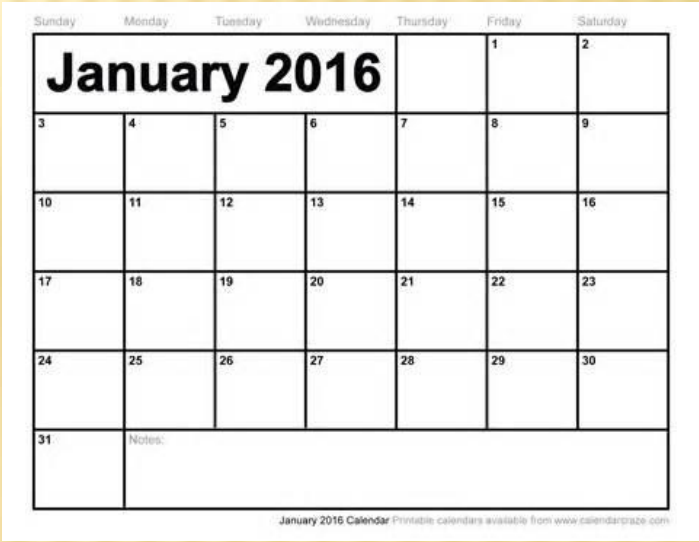
BOILER MACT RULE UPDATE

On July 29, the D.C. Circuit Court of Appeals vacated the emission standards for all major boiler subcategories in the Boiler MACT due to failure to account for high performing units when calculating the MACT floor. This could ultimately tighten emission standards within the rule. Until the court issues the mandate, the major source Boiler MACT rule remains in effect.

Stay tuned for more information . . .

40 CFR PART 63, SUBPART DDDDD MAJOR SOURCE BOILER COMPLIANCE DATE

- Existing boilers, at Major sources, had a compliance date of January 31, 2016
  - Existing boilers include all boilers constructed prior to June 4, 2010



HOW MUST FACILITIES DEMONSTRATE COMPLIANCE?

Major sources, with existing boilers and process heaters, should ensure that they have a plan in place to demonstrate initial compliance, including completing a required energy assessment and initial tune-up.

HOW MUST FACILITIES DEMONSTRATE COMPLIANCE?

- A written startup and shutdown plan (SSP), must be maintained onsite and available upon request. Records of startup or shutdown events must be kept, including date, duration, and fuel usage.
- Depending on boiler size and fuel type, one or more of the following will need to be employed to demonstrate initial compliance
  - Testing
  - Fuel Analyses
  - Establish Operating and Emission Limits
  - Conduct Continuous Monitoring System (CMS) Performance Evaluations

- Also, if you have requested, and been granted, an extension to the January 31, 2016 compliance date, please maintain a copy of the request, as part of facility files.

- **During an inspection, please be prepared to verify that the Notification of Compliance Status has been submitted to EPA, state, and or local authorities.**

NOTIFICATION OF COMPLIANCE STATUS

Notifications should have been submitted electronically, using the Compliance and Emissions Data Reporting Interface (CEDRI) - EPA's Central Data Exchange (CDX).

QUESTIONS?

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